

REMARKS

Claims 1-3, 6-8, 11 and 12 are pending in the present application. Claims 1-3, 6-8, 11 and 12 stand rejected. Claims 1 and 8 are amended herein. No new matter is introduced as a result of the claim amendment. The Examiner's rejections are traversed below. Applicants respectfully request the Examiner to consider and allow the remaining claims.

***Claim Rejections – 35 USC § 112***

Claims 1-3, 6-8, 11, and 12 stand rejected under 35 USC 112 as failing to comply with the enablement requirement. Specifically, Examiner states that "erasable memory cell" is not enabled. Applicants have amended Claims 1 and 8 in such a way so as to render the above rejection moot. In doing so, Applicants are not making a statement as to the enablement of "erasable memory cell."

***Claim Rejections – 35 USC § 103***

Claims 1-3, 6-8, 11, and 12 stand rejected under 35 USC 103(a) as being unpatentable over Mehrad et al. (U.S. Patent No. 6,765,257; hereinafter "Mehrad") in view of Wollesen et al (U.S. Patent No. 4,410,904; hereinafter "Wollesen").

Claims 1 and 8 have been amended herein to recite that the source contact is coupled to the common source line ***through the drain***. This is advantageous in that additional pathways do not have to be formed in order to couple the source contact to the common source line. In addition, Claim 1 has been amended to recite that source and drain implantation regions are able to conduct ***independent of any voltage applied to the stacked gate structure*** (Claim 8 already contains a similar limitation).

In the present office action, the Examiner states that the language “... wherein said source and drain implantation regions are able to conduct independent of any voltage applied to said first stacked gate structure” is a product-by-process limitation and therefore not structural. [Rejection, page 4, par. 1]. Applicants respectfully disagree and assert that the conductivity of a device is very much structural in nature and therefore much be taught or suggested in the cited references in order to make a *prima facie* case under section 103(a).

Accordingly, Applicants respectfully submit that Mehrad and Wollesen, alone or in combination, fail to teach a source contact disposed outside of a common source line that is coupled to the common source line *through the drain*. As described above, this eliminates the need for additional pathways between the source contact and the common source line. In contrast, Mehrad requires the addition of vertical source line 17A, which is then coupled to the horizontal source lines via an additional arsenic implantation 40. Thus, Mehrad fails to teach or suggest coupling a common source line to a source contact through a drain, as claimed. Moreover, Wollesen does not cure the defects of Mehrad. For example, notwithstanding the fact that Wollesen does not teach or suggest a source contact disposed outside of a common source line, to the extent that Wollesen may teach overlapping source or drain regions, Wollesen fails to teach or even suggest applying a voltage potential to the source through the drain.

Furthermore, Applicants respectfully submit that Mehrad and Wollesen, alone or in combination, fail to teach or suggest a source and drain being able to conduct independent of any voltage applied to a stacked gate structure, as claimed. Applicants have reviewed the cited references and respectfully submit that they nowhere teach or suggest this structural limitation.

Since Mehrad and Wollesen, alone or in combination, fail to teach or suggest at least one element of embodiments as recited in independent Claims 1 and 8, Applicants respectfully assert that the rejection of claims 1 and 8 under 35 U.S.C. 103(a) as being unpatentable over Mehrad in view of Ito is traversed, and that claims 1 and 8 are now in condition for allowance. Claims 2, 3, 6 and 7 are dependent on claim 1 and recite additional limitations. Claims 11 and 12 are dependent on claim 8 and recite additional limitation. Therefore, Applicants assert that the rejection of claims 2, 3, 6, 7, 11 and 12 is also traversed, and that claims 2, 3, 6, 7, 11 and 12 are in condition for allowance as being dependent on allowable base claims.

CONCLUSION

In light of the response presented herein, Applicants respectfully assert that Claims 1-3, 6-8, 11 and 12 of the present application overcome the rejections of record, and therefore earnestly solicit allowance of these claims.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date: 9/27/07

  
Eric J. Maiers  
Reg. No. 59,614

Two North Market Street  
Third Floor  
San Jose, California 95113  
(408) 938-9060